

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

5 - - - - - - - - - - - - - X

6 IN THE MATTER OF: :

7 Belay Abere: Case #16-251-00256

8 t/a Amsterdam Lounge :

9 1208 U Street NW :

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10 License #100340 :
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11  Retailer CT      :

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12 ANC 1B :

13 Simple Assault :

14 - - - - - X

15 Wednesday, February 8, 2017

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17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

21

22

1 BOARD MEMBERS PRESENT

2 DONOVAN ANDERSON, CHAIRMAN

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 MAFARA HOBSON, BOARD MEMBER

7

8 ALSO PRESENT:

9 SIDON YOHANNES

10 BELAY ABERE

11 ANDREW KLINE

12 VANESSA PLEITEZ

13 STEVEN SCHWALM

14 KEVIN HUNT

15

1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: Our next case is Case
4 #16-251-00256, Amsterdam Lounge, license #100340.
5 Will the parties please approach and identify
6 themselves for the record, please? Can you
7 identify yourself for the record, please?

8 INVESTIGATOR PLEITEZ: Investigator Vanessa
9 Pleitez.

10 CHAIRPERSON ANDERSON: Yes, pull up a chair,
11 sir. You can come to the table and introduce
12 yourself for the record.

13 SERGEANT SCHWALM: First time invited to the
14 adult's table, thank you. Sergeant Steven
15 Schwalm, Metropolitan Police Department Third
16 District.

17 CHAIRPERSON ANDERSON: Thank you.

18 MR. KLINE: Good afternoon, Andrew Kline on
19 behalf of the applicant.

20 MS. YOHANNES: Sidon Yohannes.

21 MR. ABERE: I am Belay Abere, the owner.

22 CHAIRPERSON ANDERSON: What's the last name?

1 MR. KLINE: Abere. A-B-E-R-E. Abere.

2 CHAIRPERSON ANDERSON: I'm sorry, sir, I
3 didn't hear and I want to refer to you later on
4 so at least I want to know -- okay, Abere. All
5 right, this has been a fact finding hearing that
6 was basically requested by MPD, so do we want Ms.
7 Pleitez do you want to start the report and then
8 we can ask Sergeant Schwalm to respond, whatever
9 he can add about this establishment. Do you have
10 a copy of the report, Mr? --

11 MR. KLINE: We do. I would note that we were
12 unable to get an un-redacted copy until late
13 yesterday afternoon which hampered our
14 presentation a bit but we've managed to put it --

15 CHAIRPERSON ANDERSON: What do you mean an
16 un-redacted copy?

17 MR. KLINE: This is what was served on the
18 applicant. It looks like one of Hilary Clinton's
19 e-mails maybe. We did write last week and
20 followed up and finally late yesterday afternoon
21 with the interference of the director we were
22 finally able to get a copy.

1 CHAIRPERSON ANDERSON: So, what are you
2 saying, Mr. Kline?

3 MR. KLINE: I'm just saying in the future I
4 would hope that licensees would be given all the
5 information so that they can have the requisite
6 time to properly prepare for these hearings,
7 that's all.

8 CHAIRPERSON ANDERSON: In the year and half
9 I've done this, this is the first time I've ever
10 heard, so you see the first thing I did, I turned
11 to my lawyer to ask for clarification because I'm
12 looking at the report that's not redacted, so I
13 don't know -- that's why I was asking why is it
14 you had something like that.

15 MR. KLINE: Fortunately, we're quick studies
16 so I don't think we'll be hampered too much.

17 CHAIRPERSON ANDERSON: All right, thank you.
18 Thank you for that. Go ahead, ma'am. Can you
19 just tell us what's in this report and then we
20 can have Lieutenant -- Sergeant Schwalm?

21 SERGEANT SCHWALM: Yes sir.

22 CHAIRPERSON ANDERSON: Then he can

1 supplement.

2 INVESTIGATOR PLEITEZ: So, do you want me to
3 just read it?

4 CHAIRPERSON ANDERSON: You may just summarize
5 it.

6 INVESTIGATOR PLEITEZ: Okay, so I received an
7 MPD 251 for Amsterdam Lounge that stated that on
8 September 16, 2016, at approximately 1:00 a.m. a
9 simple assault occurred at Amsterdam Lounge
10 located at 1208 U Street Northwest, specifically,
11 a male patron was escorted out of the
12 establishment by security staff because he
13 refused to move from the bar area. Once the
14 patron was outside, he brandished a knife and was
15 subsequently arrested by MPD.

16 According to the witnesses, according to the
17 security guards that were there, Mr. Pinkney and
18 Mr. Tillman: Mr. Pinkney was the security
19 officer that escorted Mr. Branch, which was the
20 suspect, out of the establishment on that night.
21 He was escorted from the second floor, so once he
22 was outside he brandished the knife and MPD

1 Officer Allison stopped his vehicle when he saw
2 that the security officers were backing away from
3 the suspect. According to the MPD officer the
4 suspect, Mr. Branch, ran back into the
5 establishment. He made sure that the security
6 guards were okay. He went into the establishment
7 and asked one of the employees to turn the lights
8 on and turn the music off in order to -- I'm
9 sorry -- in order to locate the suspect and the
10 employee refused to turn the music on and -- I'm
11 sorry, turn the lights on and turn the music off.

12 CHAIRPERSON ANDERSON: Sergeant Schwalm, are
13 you able to provide -- I know this was an MPD
14 request. What can you add to why is it that MPD
15 wanted the board to have a fact finding on this
16 matter?

17 SERGEANT SCHWALM: That's what I don't know.
18 I was told to come here and respond in reference
19 to it because I was on scene that night. I,
20 being the supervisor of that area, I responded to
21 the call for a man with a knife. That call came
22 out. It wasn't 911 called, it was actually self-

1 dispatched on scene by Officer Allison, so he
2 immediately called for assistance and backup.
3 The report should reflect that the security staff
4 that I spoke with out front before we made entry,
5 I was the one that requested that the lights be
6 turned on and the music off, so that way we could
7 clearly identify people. The music was at
8 extremely high volume. Nothing that would be in
9 the way to cause a noise violation, but however
10 when you step into the club it would very much
11 limit communication, especially with the lookout
12 that Officer Allison provided, black male, black
13 clothing, in a nightclub in the history of you
14 know what's going on in the world in general, you
15 know, it's for our safety as well as the patrons'
16 safety to make sure that we stop the right man.
17 We waited -- in my personal opinion just too long
18 to make entry, especially somebody, a man with a
19 knife, that went running back into a club. You
20 know, we were able to locate him. Actually, one
21 of my officers, Officer Schwartz, located him on
22 the first floor and we actually retrieved him and

1 out where the security for the company did
2 identify him as the individual that was kicked
3 out of the club and, yes, for the reasons that
4 were stated, that apparently he refused to move
5 from a certain area that was prohibited, I think
6 it was mainly for waitresses.

7 I did speak with somebody that night who
8 identified themselves as the ABC manager. I
9 don't see him present, or the owner, I did not
10 see him present. I spoke to somebody and I
11 advised them, I asked them, I said, "when we make
12 a request, especially with a male with a knife,
13 we actually need, especially any forms of
14 weapons, we actually do need to make sure: one
15 that they understand our verbal commands and two
16 is the simple fact of the matter is that we can
17 identify the appropriate party quickly by having
18 lights up and they understand our communication
19 and what we need of them. That was what happened
20 that night and unfortunately, I don't know what
21 breakdown in communication took place. Nobody
22 was injured severely, thank God, and no patrons

1 were reported to be injured as well. The case
2 was closed with a simple assault and the reason
3 why it was classified as a simple assault instead
4 of an ADW knife is that the establishment wasn't
5 able to provide film footage or any type of
6 footage inside that could prove the guy had a
7 knife or not, and also on top of it, a -- not a
8 thorough search of the establishment but at least
9 the areas where he was located -- we searched for
10 a knife and we didn't see any.

11 Officer Allison, even though he did report
12 that security was backing up like somebody had
13 something, Officer Allison also did not see a
14 knife as well. So, unfortunately, we went with
15 the lower classification of simple assault
16 because the bouncers were assaulted during his
17 extrication from the club.

18 CHAIRPERSON ANDERSON: Now, what do you -- be
19 a little bit more specific in the sense of the
20 club's responsiveness. So, be more specific in
21 what was asked, how long it took them to respond
22 to you.

1 SERGEANT SCHWALM: It took more than five
2 minutes to actually realize that there was like,
3 they were not turning music down and lights were
4 not going on. It was an extended period of time
5 that extended. And like I said, the person that
6 we were dealing with was the doorman, and that
7 has direct communication with an ABC manager. An
8 ABC manager that night -- and I apologize, I
9 don't have any notes to remember his name -- was
10 located upstairs in like a DJ booth, so I don't
11 know where the communication breakdown took
12 place, but however it was communicated that we
13 need this done relatively quickly to the doorman
14 and it was not -- our request appeared to go
15 denied or unanswered.

16 CHAIRPERSON ANDERSON: All right, thank you.
17 Mr. Kline, I just want to ask you a couple of
18 questions and you can respond. I see that
19 there's a settlement agreement. Does this
20 establishment have a settlement agreement? I'm
21 sorry -- security plan?

22 MR. KLINE: Indeed it does and --

1 CHAIRPERSON ANDERSON: The legally mandated
2 security plan that --

3 MR. KLINE: Right. And Mr. Abere who took
4 over the establishment a year ago?

5 MR. ABERE: A year ago.

6 MR. KLINE: A year ago, actually obtained the
7 plan from ABRA so there is one on file.
8 According to Mr. Abere, that's where he got it
9 from. Here it is. It was the one for the
10 establishment previously known as Indulge. We
11 will, pursuant to your invitation, file an
12 updated plan by -- it'll be certainly earlier
13 than your deadline, I think you gave us until
14 February 28th, I believe, to file a plan, but I'm
15 sure we'll have it done long before then. We're
16 going to update it. There are a couple of things
17 that we're going to address. We have a different
18 version of events that night in terms of some of
19 these specifics.

20 CHAIRPERSON ANDERSON: Yeah, I'm going to
21 have you -- I was just asking -- and just since
22 you said the club has a security plan within the

1 security plan that it had, that you have in front
2 of you -- is there cameras addressed in that
3 security plan?

4 MR. KLINE: There are cameras and we do admit
5 that the camera system was not working. It has
6 been repaired. We endeavored in the short amount
7 of time between that we got this notice and
8 prepared to get verification of that from the
9 security company or have it submitted after the
10 fact. It has been prepared. We concede that it
11 was not working that evening. It's been there,
12 it's a fairly new system.

13 MR. ABERE: It's new. It's less than a year
14 old.

15 MR. KLINE: Less than a year old, but it was,
16 for whatever reason, it was not working that
17 evening. We can verify that with independent
18 documentation.

19 CHAIRPERSON ANDERSON: But can you just tell
20 us a little about the camera system and the
21 security system -- this camera system that's
22 identified that the club has?

1 MR. KLINE: You want the one that's in here
2 or the one that's actually there?

3 CHAIRPERSON ANDERSON: The one that was there
4 the night of the infraction.

5 MR. KLINE: Why don't you address that?

6 MR. ABERE: We have about 16 cameras that is
7 fairly brand new. It's less than a year old and
8 we tried to retrieve the image for that day and
9 we were not able to. We called the technician
10 and we were able to get it fixed afterwards.

11 MR. KLINE: Let me ask him some questions
12 because I think the chairman wanted some other
13 information.

14 CHAIRPERSON ANDERSON: Yeah, go ahead.

15 MR. KLINE: The images, recordings, where are
16 those stored that are taken in from the cameras?

17 MR. ABERE: It's digital, so it's -- I'm not
18 a technical person but that's why we use an
19 outside technician to do these things. But I
20 think it's stored in the machine that's in the
21 office.

22 MR. KLINE: Do you know for how long the

1 recordings are stored?

2 MR. ABERE: I don't know the exact date but I
3 think like a week or two.

4 MR. KLINE: Do you have a director of
5 security or someone that runs your security?

6 MR. ABERE: Yes, for the cameras, yes. But
7 he, unfortunately he fell from a ladder a few
8 days ago and he was in surgery. I could get you
9 proofs for that. He was in surgery on Monday.

10 CHAIRPERSON ANDERSON: I apologize, but the
11 reason I'm smiling is because, you know,
12 unfortunately a lot of times when these incidents
13 occur the security camera doesn't work, it
14 doesn't work on that day, and now the chief of
15 security had an unfortunate incident, and so I
16 apologize, I was just -- all right.

17 MR. ABERE: I can provide you proof that he
18 had surgery two days ago.

19 MR. KLINE: Mr. Chair, we get all that, but I
20 think unrebutted facts are that the knife
21 surfaced outside. If you look in the
22 investigator's report, and we have others here

1 who will say the same thing. The knife didn't
2 actually appear until he was outside. Certainly,
3 we would like to have that footage presented to
4 you, too, because I don't think it's going to
5 show you anything different than what we're
6 talking about here. But we understand it needs
7 to be working and we will get it fixed.

8 A couple of other issues that were raised:
9 One is in terms of the lights. Our understanding
10 is that the lights were turned on on the dance
11 floor area but not around the DJ booth, and the
12 lights were all on dimmers, and Mr. Kevin Hunt is
13 here, he actually runs their security, and he
14 also happens to good evening an electrician which
15 is very handy. So, we've talked about, and we
16 will put this in the plan, that we're going to
17 reconfigure the lights so there's an all-on
18 switch so that if there's an incident there's a
19 way for security to flip one switch and all the
20 lights will go on. Because what they turned on,
21 as I understand it, is that they turned on the
22 dance floor lights, on, but not the lights around

1 the DJ booth. Those are typically on dim and
2 they don't even come up for cleaning. But they
3 can be re-jiggered so that they are all on and
4 they all come on at the same time.

5 CHAIRPERSON ANDERSON: I'm sorry, go ahead,
6 Mr. Kline.

7 MR. KLINE: With respect to the music, our
8 understanding is that the music was turned off
9 but then the DJ stepped away from the booth and
10 some customer turned it back on and it was back
11 on and then it got turned off. We have a witness
12 to that fact.

13 MR. ABERE: The manager actually went to the
14 DJ and told him to turn it off again within a few
15 minutes when he heard the music back on. But
16 originally when it was requested they did turn
17 down the music and the lights and, you know, a
18 few minutes later the music was turned on, he ran
19 to the DJ booth and told the DJ to turn it off
20 and when he asked him why he just explained that
21 some customer just flipped the switch on it, you
22 know.

1 CHAIRPERSON ANDERSON: Well, I'm going to ask
2 Sergeant Schwalm, since you were there, so I'll
3 ask you later on so maybe you can explain that
4 portion based on -- but I'll let them finish and
5 then I'm going to come back to you and ask you
6 since you were actually there, so you can explain
7 what was being said. Okay, go ahead.

8 MR. KLINE: And there are officers frequently
9 in the area and it's our understanding that not
10 only was there an officer driving down the street
11 but there were also officers in front of a nearby
12 business, 7-11, and that those officers were also
13 flagged. So, this establishment did reach out to
14 MPD. It's not that this is a situation where
15 they're trying to keep MPD out of it, I mean they
16 reached out to MPD. This joker pulled a knife
17 and it was a scary situation, obviously.

18 CHAIRPERSON ANDERSON: So is the
19 representation that you plan -- do you have
20 anyone that you want to speak?

21 MR. KLINE: We're here to answer your
22 questions. We have one of the gentlemen that was

1 there that night and we also have the head of
2 security who was not there that night but happy
3 to answer any questions that the board has and
4 answer any concerns that the board has, and I'll
5 repeat my representation that we will update the
6 security plan and that will include a provision
7 concerning how to deal with the lights when
8 there's a situation where MPD needs to come in so
9 that they can come in and look. I mean, they did
10 apprehend the guy, so, I mean, it must not have
11 been a situation where he was able to hide in the
12 dark corners of the place.

13 CHAIRPERSON ANDERSON: Go ahead, Mr. Alberti.

14 MR. ALBERTI: Just really quick about the
15 cameras. How long were the cameras inoperable?

16 MR. KLINE: We don't know.

17 MR. ALBERTI: They were inoperable the night
18 of this incident. How long were they inoperable?

19 MR. ABERE: We actually found out when they
20 requested it. We didn't know that they were out
21 at the time.

22 MR. ALBERTI: So, my question is how long

1 were they out? If you don't know, tell me you
2 don't know.

3 MR. ABERE: I don't know. I don't know.

4 MR. ALBERTI: Okay. So, here's the problem I
5 have. You're going to get them all fixed and
6 everything and then you're going to have another
7 incident -- it always happens whether it's your
8 fault or not -- something always happens, all
9 right? Even though you handled it perfectly,
10 something always happens and we're going to want
11 the footage. And then I'm going to hear, 'well,
12 they weren't operating.' So, what I would like
13 in your new security plan -- are you promising to
14 give us a new security plan?

15 MR. ABERE: Yes, sir.

16 MR. ALBERTI: All right, I would like in your
17 security plan a schedule -- a fairly frequent
18 schedule -- of when you will check the camera
19 system to make sure that all the cameras are
20 operable and that it is recording correctly. I'd
21 like to see this weekly done and verified. It's
22 not too much trouble for you to instruct someone

1 to do this. I know everybody has technicians,
2 but it looks like you've got a couple of bright
3 guys back there who can figure this out, figure
4 out a way to test it and get it done, because I
5 don't want to be back here six months from now
6 and hear, 'oh, it was broken and we don't know
7 when it happened.' All right? Because I gotta
8 tell you -- you can see the reaction whenever we
9 hear the camera system was inoperable, ah we get
10 suspicious, all right? Because that's always the
11 excuse, all right? I mean, Mr. Kline can tell
12 you after the hearing how many times we hear a
13 year --

14 CHAIRPERSON ANDERSON: And [inaudible
15 2:57:59] good ones.

16 MR. ALBERTI: Not a good one at all. So, I'd
17 really like that in your security plan.

18 CHAIRPERSON ANDERSON: Mr. Short?

19 MR. SHORT: How long have you had this
20 business?

21 MR. ABERE: I've been managing it since 2003
22 to 2008 and I've never had any issues --

1 MR. SHORT: Great, great, that's good.

2 MR. ABERE: Right.

3 MR. SHORT: But when you do have one, you're
4 very lucky that no one got injured in there,
5 okay? I know all about public safety and
6 nightclubs and I know a little bit about a lot.
7 Do you have an alarm system? Fire alarm system?

8 MR. ABERE: Yes.

9 MR. SHORT: So, if someone would hit the fire
10 alarm system, no lights would come on because
11 they're all on dimmers? Okay, I'll just say this
12 to you. I'm going to recommend that you get a
13 fire inspection as soon as possible. You might
14 need a little help with that but I recommend that
15 you call the fire department and get an
16 inspection. Those lights should -- when the
17 alarm system is hit or when you have an emergency
18 -- because I do know when the fire inspectors
19 come in and they tell you to cut the lights on
20 and the music off, they can shut you down for
21 that if you don't. And the police should have
22 called the fire department that night. That's a

1 very dangerous situation when somebody comes in
2 to help your club and the lights don't go on and
3 the music doesn't go off. That is interference
4 with official duties. Also, I'd like to -- do
5 you do any pat downs or do you do any searching
6 of people when they come in the club?

7 MR. ABERE: We have a wand that we use and --

8 MR. SHORT: Was it working that night?

9 MR. ABERE: Yes, sir.

10 MR. SHORT: All right, and the gentleman who
11 got thrown out of the club and apparently scared
12 the police officers and they backed up, he must
13 have had something in his hand. I don't see them
14 going like this and the police officers backing
15 up.

16 MR. KLINE: It was the security personnel
17 that were backing up.

18 MR. ABERE: Our security.

19 MR. KLINE: Their security.

20 MR. SHORT: Oh, I don't blame them.

21 MR. ABERE: Yeah.

22 MR. SHORT: What if they had thrown a knife?

1 Okay? I'm trying to get this picture, Mr. Kline.
2 Now, they put hands on him and threw him out,
3 okay? And then he thought he'd been backed off
4 of.

5 MR. KLINE: Yes, sir.

6 MR. SHORT: So, he must have had something in
7 his hand while he was in the club. Unless the
8 security guys gave him a knife when they threw
9 him out.

10 MR. KLINE: I'm quite sure they didn't.

11 MR. SHORT: I know that, I'm just being
12 facetious, but appropriate enough, what I'm
13 trying to give you is the security people put
14 their hands on him and took him out the front
15 door and when he gets out the door they're
16 backing up off of him when the police officers
17 come. He ran back into the club. What did the
18 security people do when he ran back into the
19 club? Because if they're near the door, he ran
20 past them to go back into the club, right? Is
21 that what happened?

22 MR. ABERE: We're not sure on that one.

1 MR. SHORT: You're not sure, but we are sure,
2 the police officers when they came up to help you
3 that your security people were backing up off
4 this guy.

5 MR. KLINE: He didn't see them, Mr. Short, at
6 all.

7 MR. SHORT: Okay, wait a minute, wait a
8 minute, okay, so -- I guess what I'm trying to
9 get at and also this thing about your lights and
10 your alarm system. How often do you check your
11 alarm system? Your fire alarm system?

12 MR. ABERE: Fire alarm system?

13 MR. SHORT: Does it work?

14 MR. ABERE: Yes, it does. We have a company
15 that often come and check that.

16 MR. SHORT: They're required by law once a
17 year they have to do it, right?

18 MR. ABERE: Yes.

19 MR. SHORT: And your extinguishers every six
20 months. But I'll just simply say this to you,
21 it's not favorable for this board member, myself,
22 to hear that police officers asked you or your

1 club, with the security guy standing right there,
2 'I want the lights on and I want the music off'
3 and somebody doesn't even work at your club, who
4 you call a customer, put it back on. Is that --
5 does that happen at your club often? Do people -
6 -

7 MR. ABERE: No, you know I always train my
8 employees and not to discredit what the officer
9 was saying but in training my employees and
10 managers, I've actually done -- I call them in a
11 meeting and get on --

12 MR. SHORT: Can I ask you a question?

13 MR. ABERE: Yes.

14 MR. SHORT: Who trained you on security?

15 MR. ABERE: No --

16 MR. SHORT: You're training them, you said --

17 MR. ABERE: Not on security, if I may finish
18 what I'm --

19 MR. SHORT: Please.

20 MR. ABERE: When I'm trying to manage, you
21 know, train my employees I usually, I have this -
22 -

1 MR. ABERE: The question, again, is where did
2 you get your training to train them?

3 MR. KLINE: Well, can he finish talking about
4 what --

5 MR. SHORT: Go ahead, he was going at it
6 wrong, that's one of your --

7 MR. ABERE: The point I was trying to make is
8 on my employees I have them sit down, I go to my
9 office for one minute, I time myself, go back to
10 my employees and ask them, without them knowing,
11 I ask them how long was I away from? And while
12 they're talking some say ten minutes, some say 15
13 minutes, and this is the training I was able to
14 get in management school, where most of them say
15 10 minutes, 15 minutes and it's actually one
16 minute, and every time I tell them this is how
17 long, when a customer stands, come in the door
18 and you don't greet them, even though they've
19 been there for one minute, they'll feel like
20 they've been out there for 10-15 minutes.

21 MR. SHORT: Okay, great, I don't mean to cut
22 you off but that's way off what I'm trying to get

1 to.

2 MR. KLINE: Well, it is security training, if
3 I may --

4 MR. SHORT: Okay, let's do this. Explain to
5 me what you're going to do about security
6 training.

7 MR. KLINE: Okay, so we have Mr. Kevin Hunt
8 here. He runs their security. He's K & T
9 Protective Services. This is his business. His
10 people were there that night, the two security
11 officers that we're talking about work for him.
12 The establishment contracts with his company to
13 provide security. Do you want to come up and
14 give two minutes on who you are?

15 MR. SHORT: Here's what I'd like to do --

16 MR. KLINE: All right.

17 MR. SHORT: Like Mr. Alberti asked you, when
18 you submit to us your new security plan, all that
19 information needs to be in there and if he is a
20 trainer, a certified trainer, MPD requires that
21 certificate also should be provided, because the
22 bottom line is -- Mr. Kline, I can say I'm a

1 security person and stand right here and swear to
2 it right now, and tell you I trained everybody.
3 As you know with a lot of cases which you've
4 handled before, we require if that security plan
5 is really going to have any basis to it, then
6 what we need to have is all of your security
7 trained by a certified trainer.

8 MR. KLINE: Mr. Short, you're going to have
9 to educate me on the procedures for
10 certification, because that's all news to me and
11 I've been doing this stuff a long time.

12 MR. SHORT: Mr. Kline, Mr. Kline, maybe it
13 wasn't your case but we've had cases here where
14 we've had certified companies that come in and
15 train businesses, establishments, that say they
16 have security but we wind up with cases like this
17 where someone puts their hands on somebody, takes
18 them out the door and then they brandish
19 something and back them up. Apparently whatever
20 security they have is not working appropriately,
21 so what I'm saying to them is --

22 MR. KLINE: What you heard --

1 MR. SHORT: Can I finish?

2 MR. KLINE: Yes, sir, yes, sir, I apologize.

3 MR. SHORT: Now, Mr. Alberti asked the
4 question, and I'm going to ask also, along with
5 your security plan, we need to have information
6 about your alarms, we need to have information
7 about the training that we were talking about,
8 and also if you could -- when's the last fire
9 inspection you had?

10 MR. ABERE: I don't have it off of my head
11 but I can check.

12 MR. SHORT: Okay, if haven't had one recently
13 would you call and get a fire inspection? And
14 they will tell you about your alarms.

15 MR. ABERE: I know I do have them, I do check
16 my --

17 MR. SHORT: Okay, let me ask this question:
18 So, if you went right now to your business and
19 had all your lights on and someone pulled a
20 striking station, would all your lights go on so
21 people could find exits? I see somebody back
22 there shaking their head. Can he address that?

1 MR. KLINE: Absolutely.

2 CHAIRPERSON ANDERSON: Hold on, I was -- all
3 right, hold on a minute. I was going to ask,
4 because I guess you had some questions for the
5 security experts so I was going to have him come
6 and speak so if he has something that he wants to
7 add, do you want to ask him some questions since
8 he's here, why don't you have him talk about the
9 security. I mean, one of the things I saw in a
10 review in the report, it says that there were no
11 -- security members were not patting down or
12 using a metal detecting wand, and that was on
13 Thursday, the 22nd, 2016.

14 MR. KLINE: We don't know what time that is
15 because it's not in the report.

16 CHAIRPERSON ANDERSON: I know, but --

17 MR. KLINE: And they do it after 10:00.

18 CHAIRPERSON ANDERSON: Oh. I was about to
19 ask you to tell us that. I just said it says
20 that in the report, it didn't say what time. So,
21 why don't you tell us about the security
22 procedures that the club currently utilizes and

1 when?

2 MR. SILVERSTEIN: Mr. Chair?

3 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein?

4 MR. SILVERSTEIN: Before he does, I want to
5 underscore a concern I have regarding a comment
6 that the sergeant made and how this all ties in
7 and these are things that I'm going to want
8 answered and rather than ask later. As the
9 sergeant said with all that's happening in the
10 world, all that's happening in Orlando and places
11 here, it's vitally important that we are able to
12 respond immediately to any threats or any act of
13 violence and that you maintain control of your
14 establishment and your people when something like
15 that happens. If the communication with law
16 enforcement is clear and instant -- and it was
17 not here -- you didn't have control, the music
18 went back on, it took five minutes to get the
19 lights on, explain to me how whatever changes
20 you're going to make will alleviate those
21 problems because those two, in my mind,
22 constitute an imminent threat to the safety of

1 your patrons. Either one. I mean, these are the
2 questions I'm going to want answered when you
3 give your presentation.

4 CHAIRPERSON ANDERSON: All right, one thing
5 at a time, okay? You can ask the question in a
6 couple. You were supposed to tell us about the
7 security that the club has, so just tell us what
8 is it that you do. Tell us about the security
9 that's provided in the club and when is it
10 provided and what happens?

11 MR. HUNT: My name is Kevin Hunt. I am the
12 owner of K & T Protective Services. We're about
13 a five-year-old company. I have about 30 years
14 of experience in the security business. The
15 security that we have at Amsterdam is proactive.
16 We have metal -- metal detector that we use in
17 the form of a wand. We also pat the customers
18 down -- the male customers down just to make sure
19 they don't have any glass or alcoholic beverages
20 that they're trying to bring into the club. We
21 don't allow backpacks. We don't allow briefcases
22 by gentlemen. Typically, ladies have their

1 purses and we do a cursory search of their
2 purses. We make sure they don't have anything
3 with them. Having said that, all those failsafes
4 that we try to apply into this don't necessarily
5 work every single time. And if you go through a
6 metal detector in an airport, typically they find
7 most of the things, but you will find that they
8 won't find every single little thing. But having
9 a weapon of any type is unacceptable when we come
10 across those types of things. My men are trained
11 by myself not to be aggressive as you would think
12 a bouncer would be, we tend to be more of a
13 greeter or concierge for the business. We check
14 their IDs and make sure they're over 21 and from
15 that point we go from there.

16 The scheduling, however, is scheduled based
17 upon the frequency in the club. For example, on
18 a Monday, Tuesday or Wednesday we may just have
19 one security person in place to check IDs to make
20 sure we're abiding by all the ABRA rules as far
21 as the age that they're supposed to be and to
22 check to make sure that they don't have anything

1 on them that would be detrimental to the club.
2 However, on a Thursday, Friday or Saturday we
3 increase the security so that we have enough
4 security people to cover the amount of people
5 that are in the club. And it is done during the
6 course of the evening so, for example, on a
7 Friday night we may have one guy show up at 5:00
8 just to make sure everything is okay. Then the
9 next guy will be brought in a few hours later and
10 then by the time we get to the 10:00 hour, we're
11 at full staff, usually four to five, maybe six,
12 people in the establishment at that time. We
13 also regulate that through the management so that
14 if we were to get an overage of people, close to
15 capacity perhaps, and you felt the need to have
16 someone else on staff at the time, then I would
17 make the call out and have someone on standby to
18 make sure they were in place. Through the years
19 that I've been doing this business, I haven't
20 been in any establishment -- and this is not a
21 statement against what we just spoke about --
22 I've not been in an establishment where the

1 actual lights come on when the fire alarm system
2 goes off. The emergency lights will come on,
3 certainly. But the lights are not -- that's
4 generally tied into the fire alarm system. That
5 would be something that would be a control
6 mechanism. Could it be done? I'm an electrician
7 by trade for years and years and years,
8 journeyman, I've never seen one in any
9 establishment ever. Can it be done? Possibly.
10 Can the lights be turned on automatically from
11 one switch? Certainly, it can be done that way,
12 but when you have a bank of dimmers or lights, as
13 long as they're in the same location, it's not
14 really that necessary -- it's not necessary for
15 them to come on one shot for two floors -- to
16 come on. Typically they would turn them up all
17 at one time and you can do that with two hands
18 and just pull the lights up. But we can make
19 those adjustments if that's necessary.

20 MR. SHORT: I'm going to cut you off, Mr.
21 Hunt, but just think about this. Smoke gets into
22 the club. Everybody who's smart is going to head

1 for the door, even your security people.

2 MR. HUNT: Yes, sir.

3 MR. SHORT: If there is one switch that can
4 hit all the lights you would probably save lives,
5 because fire departments find people stacked up
6 by the door. They might think the door is this
7 way, but in the smoke they go that way. And if
8 you've got some lights on, exit lights and
9 emergency lights, you most likely will get a lot
10 of people out of the club. Forgive me for
11 cutting you off, but I had to add that.

12 MR. HUNT: No sir, you're correct. But
13 typically in any of the environments of that
14 nature, you can utilize this building for the
15 example. If the fire alarm were to go off and
16 all of these lights were down, all of the lights
17 would not come right up. You would have lights
18 showing you to the exit which is, by law, that
19 you have to have.

20 MR. SHORT: In this room, there are lights
21 that stay hot 24/7.

22 MR. HUNT: That's correct.

1 MR. SHORT: Every room in this building.

2 MR. HUNT: And we do have some lights that
3 stay on all the time, 24 hours a day. Those are
4 the emergency lights.

5 MR. SHORT: Correct.

6 MR. HUNT: And so, even when the lights go
7 down a lot of the times those lights will stay
8 on. So --

9 MR. SHORT: What about like when the police
10 officer came in and asked you to cut the lights
11 on because 'we're looking for someone.'

12 MR. HUNT: If we were to ask that now, I will
13 take full responsibility for my men if they were
14 not correct in their adjustments. If there were
15 only two people on staff at the time I cannot
16 allow one of my men to leave the door to find
17 someone, and we have radios so he would have
18 called someone and had them come down and it may
19 have taken some time depending on the crowd, and
20 if it was upstairs, the main door is downstairs
21 in the [inaudible

22 MR. ABERE: The light is upstairs and so

1 someone needs to go up the stairs. When the
2 officer comes up I don't know where they told
3 her, if they told her by the door, they're going
4 to have to go up the stairs and turn the upstairs
5 lights on.

6 MR. SHORT: God forbid -- we just had an
7 incident down in Florida where somebody came in
8 with a machine gun. They couldn't get the lights
9 on. They couldn't get any lights on, like the
10 club you have now.

11 MR. ABERE: But --

12 MR. SHORT: So you might -- this is the
13 nation's capitol. This is target number one. We
14 need to be proactive, as you said you are, so I
15 would expect you're going to address that in your
16 security plan.

17 MR. HUNT: We will.

18 MR. SHORT: Thank you, I don't have any more,
19 Mr. Chair, thank you.

20 MR. HUNT: Thank you.

21 CHAIRPERSON ANDERSON: All right, let me go
22 back to Sergeant Schwalm. There's some confusion

1 in my mind because I think one of the reasons why
2 they're here today it's failure to cooperate with
3 MPD. I mean, that's one of the reasons why. And
4 so once again, I mean I'm hearing from the
5 licensee that some lights were on but maybe the
6 DJ booth didn't come on, and so in your view,
7 tell me again, clarify the lighting system. You
8 said it took too long to come on.

9 SERGEANT SCHWALM: It took too long. So, and
10 in hearing their explanation behind things, I
11 can't testify to what went on upstairs.

12 CHAIRPERSON ANDERSON: Okay.

13 SERGEANT SCHWALM: I can only tell you by
14 being down by the door and being supervisor
15 trying to coordinate the search for this guy that
16 the music downstairs was way too loud and the
17 lights were off. Now, what went on upstairs, I
18 have no idea. They could have turned the music
19 off. They could have turned all the lights -- I
20 would not have known --

21 CHAIRPERSON ANDERSON: Okay.

22 SERGEANT SCHWALM: -- because the downstairs,

1 I don't know what type of music system -- was
2 still on. So, I don't know exactly. I can't
3 testify to say that they did turn down upstairs,
4 but the downstairs did go on, so, you know, I'm
5 just here to tell you from my point of view and
6 from where my vantage point was, I was downstairs
7 by the front entrance, you know, just coming in
8 it's a narrow passageway. You can go up the
9 stairs and then off to your right hand side is
10 another bar/patron area. That area right there
11 the music was still on and the lights were still
12 down, so it seemed like the main party, it was
13 upstairs, so yes, but after he was apprehended
14 and we were starting our investigation the lights
15 did -- you know, the music did turn off and the
16 lights did go down, so I don't know whether it
17 was more that it was closing time or it was
18 because of police activity. You know, that I
19 can't tell you.

20 CHAIRPERSON ANDERSON: All right, thank you.
21 Any other representation that anyone needs to
22 make?

1 MR. KLINE: I don't think so, no, not at this
2 time.

3 MR. SHORT: I want to thank the sergeant for
4 your testimony and thank you for your service to
5 our city. You have a tough job and thank you
6 very much.

7 CHAIRPERSON ANDERSON: Yes, Mr. Alberti?

8 SERGEANT SCHWALM: Also to piggyback off what
9 they said, it is true, we are -- I'm the sergeant
10 in charge of the focused beat which is the U
11 Street corridor from 14th to 9th and we do
12 frequently -- we have two MPD officers that are
13 there that are typically posted in that area.
14 They typically do like the 7-11 because I guess
15 that's where all the girls flock to, I don't
16 know. However, you can find them there or
17 they're across the street at Amsterdam, so they
18 are always frequently in the area and that's one
19 good thing that you guys -- and you know, I think
20 mainly today I think it may be a
21 miscommunication, so I don't want to put that
22 they're a bad club, because they're not. I just

1 think it was a miscommunication that took place
2 but it could be a dangerous miscommunication.
3 And then another thing is, what we used to do at
4 Adams Morgan and I'm trying to get all the
5 bouncers to have flashlights that have the
6 strobe, you know, just to hold it up and then
7 shine it over my head, and that means we're
8 coming. And not always do we need the lights on
9 and music off. It's mainly -- if we have a
10 disorderly patron we're not going to -- point us
11 to the disorderly patron and we'll get him out,
12 you know, we're not going to disturb the club.
13 You know, if it's a sick person to the hospital,
14 we're not -- really somebody that may have
15 partaken too much or consumed something before
16 they got there and we're not going to disturb the
17 club with that. You know, it's severe incidents
18 where weapons are mentioned that we do want
19 everything to stop and it's just like we said for
20 everybody's safety reasons.

21 MR. SHORT: Thank you, sir.

22 SERGEANT SCHWALM: Appreciate it.

1 CHAIRPERSON ANDERSON: Mr. Alberti?

2 MR. ALBERTI: I just want to remind the
3 licensee that you have a security plan due and
4 I'm making that reminder because, sorry to
5 contradict you, Mr. Kline, they do not have a
6 security plan because this license was
7 transferred and the security plan does not convey
8 to the new owner, so --

9 MR. KLINE: I guess I learned something
10 today. I mean it seems to me that --

11 MR. ALBERTI: Well, anyways.

12 MR. KLINE: We will file one, it's not an
13 issue.

14 MR. ALBERTI: Right, and they weren't
15 following the last one because they didn't even
16 know about it because they didn't have a copy.

17 MR. KLINE: Yeah, they did have a copy.

18 MR. ALBERTI: So it doesn't matter.

19 MR. ABERE: No, we have a copy that they gave
20 us from here.

21 MR. ALBERTI: I know, but if you asked for a
22 copy that means you didn't have a copy. Am I

1 correct?

2 MR. ABERE: We asked before.

3 MR. KLINE: This was before we received this
4 complaint.

5 MR. ALBERTI: Oh, okay, before this. All
6 right.

7 MR. KLINE: This was before now.

8 MR. ALBERTI: So, anyway, I'm glad that you
9 had that, that's good news to me, I stand
10 corrected. But just FYI that's why we really
11 need a new security plan.

12 MR. KLINE: We're going to do it. It's not
13 an issue.

14 MR. ALBERTI: That's why it's being required,
15 because we can't really hold you to the old one.

16 CHAIRPERSON ANDERSON: Are there any other
17 questions by any other board members? Any last
18 representation anyone needs to make?

19 MR. KLINE: The only thing I would say is
20 obviously when MPD does this report, this club
21 respects the work that they do. We appreciate
22 the sergeant acknowledging this isn't a bad place

1 because there was this miscommunication this
2 night, but you have the owner here, we're going
3 to do better, we're going to get you a security
4 plan, we have some thoughts in terms of how to
5 tighten it up and we'll do that.

6 CHAIRPERSON ANDERSON: All right, thank you.
7 Any final thoughts? All right, thank you
8 everyone for being here today and we'll take this
9 under advisement and we'll make a decision, but I
10 said as Mr. Kline you -- I think you said that
11 the security plan will be provided I guess by the
12 end of February as instructed to you by the
13 board's agent, so thank you very much for being
14 here today.

15 MR. KLINE: We'll have it before then.

16 CHAIRPERSON ANDERSON: All right, thank you.

17
18 (Whereupon, the above-entitled matter was
19 concluded.)

20